

CR11 00141 LHK

HRL

E-Filed

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FILED

MAR 16 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

THURMAN DOUGLAS SMITH, RACHELLE WILLIAMS  
and VESSIE LYNN STEVENS

INDICTMENT

COUNT ONE:

18 U.S.C. § 1029(b)(2) - Conspiracy to Commit Access  
Device Fraud

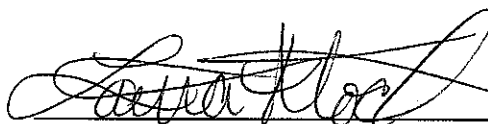
COUNTS TWO - FIVE:

18 U.S.C. §§ 1029(a)(2) and (b)(1) - Access Device  
Fraud

COUNTS SIX - NINE:

18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft

*A true bill.*



Foreperson

Filed in open court this 16 day of March

A.D. 2011

  
United States Magistrate Judge

No Bail  
Bail. \$

Arrest Warrants, all defendants

DOCUMENT NO.	CSA's INITIALS
10	
DISTRICT COURT ORIGINAL CASE PROCESSING	

**FILED**

MAR 16 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**E-Filing**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THURMAN DOUGLAS SMITH,  
RACHELLE WILLIAMS, and  
VESSIE LYNN STEVENS,

Defendants.

**CR 11**

No.

**00141**

**LHK**

**HRL**

VIOLATIONS: 18 U.S.C. § 1029(b)(2) –  
Conspiracy to Commit Access Device  
Fraud; 18 U.S.C. §§ 1029(a)(2) and (b)(1) –  
Access Device Fraud; 18 U.S.C. §  
1028A(a)(1) – Aggravated Identity Theft

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud)

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. The United States Department of Veterans Affairs (VA) is a department of the federal government whose mission is to care for United States military veterans and their dependants. In furtherance of this mission, the VA runs the largest hospital system in the United States.

INDICTMENT

2. The VA Palo Alto Health Care System consists of three inpatient hospital facilities, located in Palo Alto, Menlo Park and Livermore, California, as well as six outpatient clinics in San Jose, Capitola, Monterey, Stockton, Modesto, and Sonoma, California.

3. Thurman Douglas Smith is a veteran, and during the period alleged in the conspiracy, had access to VA medical facilities.

4. Rachelle Williams is the former spouse of Smith.

5. Vessie Lynn Stevens is an associate of Smith.

#### B. OBJECTS OF THE CONSPIRACY

6. Beginning on a date unknown, but no later than March 11, 2009, and continuing until on or about March 5, 2010, in the Northern District of California and elsewhere, the defendants,

THURMAN DOUGLAS SMITH,  
RACHELLE WILLIAMS, and  
VESSIE LYNN STEVENS,

did knowingly and intentionally conspire to use, and attempt to use, unauthorized access devices, and by such conduct affect interstate commerce and obtain things of value aggregating \$1,000 or more during that one-year period in violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

#### **The Scheme to Defraud**

7. The scheme consisted of Thurman Smith entering a VA hospital facility, and stealing the wallets and purses of female VA hospital employees for the purpose of obtaining the employees' credit cards. Smith, Rachelle Williams, and Vessie Stevens then fraudulently used, and attempted to use, these stolen credit cards at retail stores.

#### C. THE MANNER AND MEANS OF THE CONSPIRACY

8. The objects of the conspiracy were carried out, in substance, as follows:

a. It was part of the conspiracy that on March 11, 2009, Smith entered the VA Medical Center in Palo Alto, California, and stole the wallet of VA Medical Center employee S.C. Members of the conspiracy, including Smith and Williams, fraudulently used, and attempted to use, credit and debit cards issued to S.C. at retail stores in San Bruno, and San

1 Mateo, California.

2           b.       It was further part of the conspiracy that on August 12, 2009, Smith  
3 entered the VA Medical Center in Palo Alto, California, and stole the wallet of VA Medical  
4 Center employee X.Z. Members of the conspiracy, including Smith and Stevens, fraudulently  
5 used, and attempted to use, credit cards issued to X.Z. at retail stores in Mountain View, San  
6 Bruno, and San Mateo, California.

7           c.       It was further part of the conspiracy that on August 21, 2009, Smith  
8 entered the VA Medical Center in Palo Alto, California, and stole the wallet of VA Medical  
9 Center employee R.T. Members of the conspiracy, including Smith and Stevens, fraudulently  
10 used, and attempted to use, two credit card issued to R.T. at retail stores in Mountain View, and  
11 San Mateo, California.

12           d.       It was further part of the conspiracy that on January 25, 2010, Smith  
13 entered the VA Medical Center in Palo Alto, California, and stole the wallet of VA Medical  
14 Center employee K.A. Members of the conspiracy, including Smith and Williams, fraudulently  
15 used, and attempted to use, credit cards issued to K.A. at retail stores in Palo Alto, Mountain  
16 View, and San Mateo, California.

17           e.       It was further part of the conspiracy that on January 31, 2010, Smith  
18 returned merchandise to a Target store in Pittsburg, California. This merchandise had been  
19 purchased on January 25, 2010, using a gift card that itself had been purchased using a stolen  
20 credit card issued to K.A.

21           f.       It was further part of the conspiracy that on February 8, 2010, at the VA  
22 Medical Center in Livermore, California, Smith possessed wallets and two credit cards belonging  
23 to VA Medical Center employee E.S., and that were stolen from E.S.

24           g.       It was further part of the conspiracy that on February 8, 2010, at the VA  
25 Medical Center in Livermore, California, Smith possessed three American Express Target gift  
26 cards. Each of the gift cards had been purchased using stolen credit cards. One gift card was  
27 purchased using a stolen credit card belonging to S.J., an employee of Stanford Medical Center in  
28 Palo Alto, California. S.J.'s wallet and credit cards were stolen from her office at the Stanford

Medical Center on February 5, 2010. A second gift card was purchased using a stolen credit card belonging to S.T., an employee at the Palo Alto Medical Foundation in Palo Alto, California. S.T.'s wallet and credit cards were stolen from her office at the Palo Alto Medical Foundation on January 29, 2010. A third gift card was purchased using a stolen credit card belonging to K.W., an employee of the University of California, Davis Medical Center in Sacramento, California. K.W.'s wallet and credit cards were stolen from her office at the UC Davis Medical Center on February 6, 2010.

**D. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY**

9. In furtherance of the conspiracy and to accomplish its objects, the defendants, and others known and unknown to the Grand Jury, committed and caused to be committed the following overt acts, among others, within the Northern District of California, and elsewhere:

DATE	DEFENDANTS	OVERT ACTS
3/11/2009	Smith	Theft of wallet, credit and debit cards of VA Medical Center employee S.C. in Palo Alto, California.
3/11/2009	Smith Williams	Charge in the amount of \$129.89 at Target in San Mateo, California, using the credit card issued to S.C. ending 6700.
3/11/2009	Smith Williams	Charge in the amount of \$159.98 at Target in San Mateo, California, using the credit card issued to S.C. ending 6700.
3/11/2009	Smith Williams	Charge in the amount of \$180.32 at Target in San Bruno, California, using the credit card issued to S.C. ending 6700.
3/11/2009	Smith Williams	Charge in the amount of \$200.00 at Target in San Mateo, California, using the credit card issued to S.C. ending 6700.
3/11/2009	Smith Williams	Charge in the amount of \$200.00 at Target in San Bruno, California, using the debit card issued to S.C. ending 7107.
3/11/2009	Smith Williams	Attempted charge in the amount of <del>\$192.93</del> at Target in San Bruno, California, using the debit card issued to S.C. ending 7107. \$192.63 <i>LAH</i>
3/11/2009	Smith Williams	Attempted charge in the amount of <del>\$192.93</del> at Target in San Bruno, California, using the credit card issued to S.C. ending 6700. \$192.63 <i>LAH</i>
3/11/2009	Smith Williams	Charge in the amount of <del>\$192.93</del> at Target in San Bruno, California, using the credit card issued to S.C. ending 3869. \$192.63 <i>LAH</i>
3/11/2009	Smith Williams	Charge in the amount of \$200.00 at Target in San Mateo, California, using the credit card issued to S.C. ending 3869.

1	3/11/2009	Smith Williams	Charge in the amount of \$200.00 at Target in San Bruno, California, using the credit card issued to S.C. ending 3869.
2			
3	3/11/2009	Smith Williams	Charge in the amount of \$127.66 at Marshalls in San Mateo, California, using the debit card issued to S.C. ending <del>7107</del> <i>7107 SAM</i>
4	3/11/2009	Smith Williams	Charge in the amount of \$200.000 at Marshalls in San Mateo, California, using the debit card issued to S.C. ending 7107.
5			
6	3/11/2009	Smith Williams	Charge in the amount of \$15.98 at Marshalls in San Mateo, California, using the credit card issued to S.C. ending 3869.
7			
8	8/12/2009	Smith	Theft of wallet and credit cards of VA Medical Center employee X.Z. in Palo Alto, California.
9	8/12/2009	Smith Stevens	Charge in the amount of \$540.69 at Target in San Mateo, California, using the credit card issued to X.Z. ending in 1456.
10			
11	8/12/2009	Smith Stevens	Charge in the amount of \$465.53 at Target in San Bruno, California, using the credit card issued to X.Z. ending in 1456.
12			
13	8/12/2009	Smith Stevens	Charge in the amount of \$228.49 at Target in San Mateo, California, using the credit card issued to X.Z. ending in 1456.
14			
15	8/12/2009	Smith Stevens	Attempted charge in the amount of \$228.49 at Target in San Bruno, California, using the credit card issued to X.Z. ending in 0865.
16			
17	8/12/2009	Smith Stevens	Charge in the amount of \$200.00 at Target in San Bruno, California, using the credit card issued to X.Z. ending in 1456.
18			
19	8/12/2009	Smith Stevens	Charge in the amount of \$323.14 at Target in Mountain View, California, using the credit card issued to X.Z. ending in 1456.
20			
21	8/12/2009	Smith Stevens	Charge in the amount of \$204.08 at Target in Mountain View, California using the credit card issued th X.Z. ending in 1456.
22			
23	8/12/2009	Smith Stevens	Charge in the amount of \$99.99 at Target in Mountain View, California, using the credit card issued to X.Z. ending in 1456.
24	8/21/2009	Smith	Theft of wallet and credit cards of VA Medical Center employee R.T. in Palo Alto, California.
25	8/21/2009	Smith Stevens	Attempted charge in the amount of \$776.51 at Target in San Mateo, California, using the credit card issued to R.T. ending in 3652.
26			
27	8/21/2009	Smith Stevens	Attempted charge in the amount of \$776.51 at Target in San Mateo, California, using the credit card issued to R.T. ending in 3530.
28			

1	8/21/2009	Smith Stevens	Attempted charge in the amount of \$776.51 at Target in San Mateo, California, using the credit card issued to R.T. ending in 1701.
2			
3	8/21/2009	Smith Stevens	Attempted charge in the amount of \$376.51 at Target in San Mateo, California, using the credit card issued to R.T. ending in 1701.
4			
5	8/21/2009	Smith Stevens	Charge in the amount of \$442.13 at the Target in Mountain View, California, using the credit card issued to R.T. ending in 3530.
6			
7	1/25/2010	Smith	Theft of wallet and credit cards of VA Medical Center employee K.A. in Palo Alto, California.
8			
9	1/25/2010	Smith Williams	Charge in the amount of \$41.22 at the Valero gas station in Palo Alto, California, using the credit card issued to K.A. ending in 1825.
10			
11	1/25/2010	Smith Williams	Charge in the amount of \$400.00 at Target in Mountain View, California, using the credit card issued to K.A. ending in 1825.
12			
13	1/25/2010	Smith Williams	Attempted charge in the amount of \$215.52 at Target in San Mateo, California, using the credit card issued to K.A. ending in 1825.
14			
15	1/25/2010	Smith Williams	Charge in the amount of \$215.52 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 8558.
16			
17	1/25/2010	Smith Williams	Attempted charge in the amount of \$400.00 at the Target in Mountain View, California, using the credit card issued to K.A. ending in 4750.
18			
19	1/25/2010	Smith Williams	Charge in the amount of \$400.00 at the Target in Mountain View, California, using the credit card issued to K.A. ending in 1825.
20			
21	1/25/2010	Smith Williams	Charge in the amount of \$200.00 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 8558.
22			
23	1/25/2010	Smith Williams	Attempted charge in the amount of \$200.00 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 2823.
24			
25	1/25/2010	Smith Williams	Charge in the amount of \$200.00 at the Ross in Mountain View, California, using the credit card issued to K.A. ending 1825.
26			
27	1/25/2010	Smith Williams	Attempted charge in the amount of \$200.00 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 1825.
28			
	1/25/2010	Smith Williams	Charge in the amount of \$200.00 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 8558.



1	1/25/2010	Smith Williams	Charge in the amount of \$155.48 at the Target in Mountain View, California, using the credit card issued to K.A. ending in 4750.
2			
3	1/25/2010	Smith Williams	Attempted charge in the amount of \$207.37 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 8558.
4			
5	1/25/2010	Smith Williams	Attempted charge in the amount of \$207.37 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 2823.
6			
7	1/25/2010	Smith Williams	Attempted charge in the amount of \$207.37 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 1825.
8			
9	1/25/2010	Smith Williams	Attempted charge in the amount of \$207.37 at the Target in San Mateo, California, using the credit card issued to K.A. ending in 4750.
10			
11	1/25/2010	Smith Williams	Charge in the amount of \$100.00 at the Sears in Mountain View, California, using the credit card issued to K.A. ending in 2823.
12			
13	1/25/2010	Smith Williams	Charge in the amount of \$142.01 at the Sears in Mountain View, California, using the credit card issued to K.A. ending in 2823.
14			
15	1/25/2010	Smith Williams	Charge in the amount of \$200.00 at the Ross in Mountain View, California, using the credit card issued to K.A. ending in 2823.
16			
17	1/25/2010	Smith Williams	Charge in the amount of \$101.54 at the Ross in Mountain View, California, using the credit card issued to K.A. ending in 2823.
18			
19	1/31/2010	Smith	Return of merchandise purchased using stolen credit card of K.A. ending in 1825.
20			
21	2/8/2010	Smith	Possession of two stolen credit cards belonging to VA Medical Center employee E.S., in Livermore, California.
22			
23	2/8/2010	Smith	Possession of American Express Target gift card in Livermore, California. The gift card was purchased using a stolen credit card belonging to S.J., an employee of Stanford Medical Center in Palo Alto, California. S.J.'s wallet and credit cards were stolen from her office at the Stanford Medical Center on February 5, 2010.
24			
25	2/8/2010	Smith	Possession of American Express Target gift card in Livermore, California. The gift card was purchased using a stolen credit card belonging to S.T., an employee at the Palo Alto Medical Foundation in Palo Alto, California. S.T.'s wallet and credit credit cards were stolen from her office at the Palo Alto Medical Foundation on January 29, 2010.
26			
27			
28			



2/8/2010	Smith	Possession of American Express Target gift card in Livermore, California. The gift card was purchased using a stolen credit card belonging to K.W., an employee of the University of California, Davis Medical Center in Sacramento, California. K.W.'s wallet and credit cards were stolen from her office at the UC Davis Medical Center on February 6, 2010.
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All in violation of Title 18, United States Code, Section 1029(b)(2).

COUNT TWO: (18 U.S.C. §§ 1029(a)(2) and (b)(1) – Access Device Fraud)

10. Paragraphs 1-9 of this Indictment are hereby re-alleged and incorporated as if fully set forth herein.

11. On or about March 11, 2009, in the Northern District of California, the defendants,

THURMAN DOUGLAS SMITH, and  
RACHELLE WILLIAMS,

did knowingly and with intent to defraud use, and attempt to use, one or more unauthorized access devices, and by such conduct did affect interstate commerce and did obtain something of value aggregating \$1,000 or more during any one-year period, in violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT THREE: (18 U.S.C. §§ 1029(a)(2) and (b)(1) – Access Device Fraud)

12. Paragraphs 1-9 of this Indictment are hereby re-alleged and incorporated as if fully set forth herein.

13. On or about August 12, 2009, in the Northern District of California, the defendants,

THURMAN DOUGLAS SMITH, and  
VESSIE LYNN STEVENS,

did knowingly and with intent to defraud use, and attempt to use, one or more unauthorized access devices, and by such conduct did affect interstate commerce and did obtain something of value aggregating \$1,000 or more during any one-year period, in violation of Title 18, United States Code, Section 1029(a)(2) and (b)(1).

1 COUNT FOUR: (18 U.S.C. §§ 1029(a)(2) and (b)(1) – Access Device Fraud)

2 14. Paragraphs 1-9 of this Indictment are hereby re-alleged and incorporated as if fully  
3 set forth herein.

4 15. On or about August 21, 2009, in the Northern District of California, the  
5 defendants,

6 THURMAN DOUGLAS SMITH, and  
7 VESSIE LYNN STEVENS,

8 did knowingly and with intent to defraud use, and attempt to use, one or more unauthorized  
9 access devices, and by such conduct did affect interstate commerce and did obtain something of  
10 value aggregating \$1,000 or more during any one-year period, in violation of Title 18, United  
11 States Code, Section 1029(a)(2) and (b)(1).

12 COUNT FIVE: (18 U.S.C. §§ 1029(a)(2) and (b)(1) – Access Device Fraud)

13 16. Paragraphs 1-9 of this Indictment are hereby re-alleged and incorporated as if fully  
14 set forth herein.

15 17. On or about January 25, 2010, in the Northern District of California, the  
16 defendants,

17 THURMAN DOUGLAS SMITH, and  
18 RACHELLE WILLIAMS,

19 did knowingly and with intent to defraud use, and attempt to use, one or more unauthorized  
20 access devices, and by such conduct did affect interstate commerce and did obtain something of  
21 value aggregating \$1,000 or more during any one-year period, in violation of Title 18, United  
22 States Code, Section 1029(a)(2) and (b)(1).

23 COUNT SIX: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

24 18. On or about March 11, 2009, in the Northern District of California, the  
25 defendants,

26 THURMAN DOUGLAS SMITH, and  
27 RACHELLE WILLIAMS,

28 did knowingly possess and use, without lawful authority, means of identification of another

1 person, specifically, a credit card in the name of victim S.C., during and in relation to a felony  
 2 violation of 18 U.S.C. §§ 1029(a)(2) and (b)(1) as alleged in Count Two, incorporated by  
 3 reference, in violation of Title 18, United States Code, Section 1028A(a)(1).

4 COUNT SEVEN: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

5 19. On or about August 12, 2009, in the Northern District of California, the  
 6 defendants,

7 THURMAN DOUGLAS SMITH, and  
 8 VESSIE LYNN STEVENS,

9 did knowingly possess and use, without lawful authority, means of identification of another  
 10 person, specifically, a credit card in the name of victim X.Z., during and in relation to a felony  
 11 violation of 18 U.S.C. §§ 1029(a)(2) and (b)(1) as alleged in Count Three, incorporated by  
 12 reference, in violation of Title 18, United States Code, Section 1028A(a)(1).

13 COUNT EIGHT: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

14 20. On or about August 21, 2009, in the Northern District of California, the  
 15 defendants,

16 THURMAN DOUGLAS SMITH, and  
 17 VESSIE LYNN STEVENS,

18 did knowingly possess and use, without lawful authority, means of identification of another  
 19 person, specifically, a credit card in the name of victim R.T., during and in relation to a felony  
 20 violation of 18 U.S.C. §§ 1029(a)(2) and (b)(1) as alleged in Count Four, incorporated by  
 21 reference, in violation of Title 18, United States Code, Section 1028A(a)(1).

22 COUNT NINE: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

23 21. On or about January 25, 2010, in the Northern District of California, the  
 24 defendants,

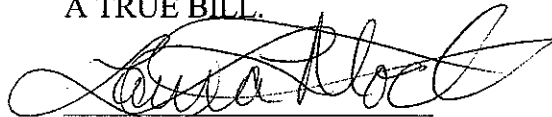
25 THURMAN DOUGLAS SMITH, and  
 26 RACHELLE WILLIAMS,

27 did knowingly possess and use, without lawful authority, means of identification of another  
 28 person, specifically, a credit card in the name of victim K.A., during and in relation to a felony

1 violation of 18 U.S.C. §§ 1029(a)(2) and (b)(1) as alleged in Count Five, incorporated by  
2 reference, in violation of Title 18, United States Code, Section 1028A(a)(1).


3  
4 DATED: March 16, 2011

A TRUE BILL.

5  
6   
FOREPERSON

7  
8 MELINDA HAAG  
United States Attorney

9  
10   
11 AMBER S. ROSEN  
Deputy Chief, San Jose Branch Office

12  
13 (Approved as to form: )

AUSA Daniel Kaleba

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

## OFFENSE CHARGED

COUNT ONE: 18 U.S.C. § 1029(b)(2) - Conspiracy to Commit Access Device Fraud  
 COUNTS TWO - FIVE: 18 U.S.C. §§ 1029(a)(2) and (b)(1) - Access Device Fraud  
 COUNTS SIX - NINE: 18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: see attached sheet

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

## DEFENDANT - U.S.

THURMAN DOUGLAS SMITH

DISTRICT COURT NUMBER

FILED CR11 00141 LHK

MAR 16 2011

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT.

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

Brent Ferry, VA OIG

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

## IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.  
 1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

4) ☐ On this charge5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA Daniel Kaleba

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

11

Comments:

*United States v. Smith et al.,*  
Penalty Sheet

**COUNT ONE: Conspiracy to Commit Access Device Fraud – 18 U.S.C. § 1029(b)(2)**

- |    |                     |                           |            |
|----|---------------------|---------------------------|------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(b)(2)    | 5 year max |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000  |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years    |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100      |

**COUNTS TWO-FIVE: Fraud, and Attempted Fraud, in Connection with an Access Device (18 U.S.C. §§ 1029(a)(2) and (b)(1))**

- |    |                     |                           |             |
|----|---------------------|---------------------------|-------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(c)(1)(A) | 10 year max |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000   |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years     |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100       |

**COUNTS SIX-NINE: Aggravated Identity Theft (18 U.S.C. § 1028A)**

- |    |                     |                           |                     |
|----|---------------------|---------------------------|---------------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(a)(1)    | 2 years consecutive |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000           |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years             |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100               |



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 COUNT ONE: 18 U.S.C. § 1029(b)(2) - Conspiracy to Commit Access Device Fraud  
 COUNTS TWO - FIVE: 18 U.S.C. §§ 1029(a)(2) and (b)(1) - Access Device Fraud  
 COUNTS SIX - NINE: 18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: see attached sheet

**FILED****PROCEEDING**

MAR 16 2011

 Name of Complainant Agency, or Person (8) **RICHARD W. WIEKING**  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 Brent Ferry, VA 016

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person  
 Furnishing Information on this form **MELINDA HAAG**
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.  
 Attorney (if assigned) **AUSA Daniel Kaleba**

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION
**DEFENDANT - U.S.**

RACHELLE WILLIAMS

DISTRICT COURT NUMBER

**CR11 00141 HK****DEFENDANT****HRL****IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
**IS IN CUSTODY**
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

**Δ2**

*United States v. Smith et al.,*  
Penalty Sheet

**COUNT ONE: Conspiracy to Commit Access Device Fraud – 18 U.S.C. § 1029(b)(2)**

- |    |                     |                           |            |
|----|---------------------|---------------------------|------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(b)(2)    | 5 year max |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000  |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years    |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100      |

**COUNTS TWO-FIVE: Fraud, and Attempted Fraud, in Connection with an Access Device (18 U.S.C. §§ 1029(a)(2) and (b)(1))**

- |    |                     |                           |             |
|----|---------------------|---------------------------|-------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(c)(1)(A) | 10 year max |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000   |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years     |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100       |

**COUNTS SIX-NINE: Aggravated Identity Theft (18 U.S.C. § 1028A)**

- |    |                     |                           |                     |
|----|---------------------|---------------------------|---------------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(a)(1)    | 2 years consecutive |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000           |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years             |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100               |

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**OFFENSE CHARGED**
 COUNT ONE: 18 U.S.C. § 1029(b)(2) - Conspiracy to Commit  
 Access Device Fraud  
 COUNTS TWO - FIVE: 18 U.S.C. §§ 1029(a)(2) and (b)(1) -  
 Access Device Fraud  
 COUNTS SIX - NINE: 18 U.S.C. § 1028A(a)(1) - Aggravated  
 Identity Theft

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: see attached sheet

**DEFENDANT - U.S.**

▶ VESSIE LYNN STEVENS

DISTRICT COURT NUMBER

MAR 16 2011

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**DEFENDANT****PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Brent Ferry, VA OIG

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under
**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA Daniel Kaleba

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \*Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

A3

*United States v. Smith et al.,*  
Penalty Sheet

**COUNT ONE: Conspiracy to Commit Access Device Fraud – 18 U.S.C. § 1029(b)(2)**

- |    |                     |                           |            |
|----|---------------------|---------------------------|------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(b)(2)    | 5 year max |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000  |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years    |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100      |

**COUNTS TWO-FIVE: Fraud, and Attempted Fraud, in Connection with an Access Device (18 U.S.C. §§ 1029(a)(2) and (b)(1))**

- |    |                     |                           |             |
|----|---------------------|---------------------------|-------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(c)(1)(A) | 10 year max |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000   |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years     |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100       |

**COUNTS SIX-NINE: Aggravated Identity Theft (18 U.S.C. § 1028A)**

- |    |                     |                           |                     |
|----|---------------------|---------------------------|---------------------|
| 1. | Imprisonment:       | 18 U.S.C. § 1029(a)(1)    | 2 years consecutive |
| 2. | Fine:               | 18 U.S.C. § 3571(b)(3)    | \$250,000           |
| 3. | Supervised release: | 18 U.S.C. § 3583(b)(2)    | 3 years             |
| 4. | Special assessment: | 18 U.S.C. § 3013(a)(2)(A) | \$100               |